



#4/Response
7/23/02
H. Lutz

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:

Applicant: Henry Kopf, III

Application No.: 09/818,823

Date Filed: March 27, 2001

Title: INTEGRAL GASKETED
FILTRATION CASSETTE
ARTICLE AND METHOD OF
MAKING THE SAME

Docket No.: 2780-183

Examiner: Savage, Matthew O.

Art Group: 1723

Paper No.: 4



23448

PATENT & TRADEMARK OFFICE

EXPRESS MAIL CERTIFICATE

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified, in an envelope addressed to the Commissioner for Patents, Washington, DC 20231, and Express Mailed under the provisions of 37 CFR 1.10.

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**RESPONSE TO JUNE 12, 2002 OFFICE ACTION
IN UNITED STATES PATENT APPLICATION NO. 09/818,823**

Commissioner for Patents
Washington, D.C. 20231

Sir:

This responds to the June 12, 2002 Office Action in the above-identified application.

In response to the Examiner's imposition of a restriction requirement against the claims 1-18 originally filed in the application, applicant hereby elects **Group I claims 1-16**. Such election is **with traverse**.

The traversal of the restriction requirement is based on the fact that the statutory provision, 35 USC §121, requires as a condition for restriction that an invention be both independent and distinct, relative to other claimed subject matter of the application.

In the present case, Group I claims 1-16 are directed to an integral gasket cassette structure. Group II claim 17 is directed to a stacked assembly of multiple cassette structures, in which each cassette structure is recited in terms identical to those of claim 1. Group III claim 18 is directed to a filter assembly including bounding end plates intermediate of which is at least one integral filtration cassette structure as recited in claim 1, with inter-cassette sealing and end plate/cassette sealing.

It therefore is manifest that the subject matter of the respective claim Groups I-III is clearly interdependent, due to the commonality of the cassette structure in all three (3) groups. By virtue of this interdependence, the subject matter of claims 1-18 fails to meet the criteria of 35 USC §121 for restriction.

The Examiner in this Office Action has based his restriction on the fact that the combination does not require the particulars of the subcombination. This is incorrect, as shown by the preceding discussion, pointing out that the cassette structure in the Group II and Group III claims is recited in identical terms to that in claim 1. Additionally, the Examiner's rationale that the subcombination has utility by itself or in other combinations ignores the fact of the **commonality of the cassette structure as claimed in all three groups**. The fact that the subcombination has utility by itself is not relevant to restriction - indeed, in order for any subcombination to be patentable, it must have utility. Further, the fact that the subcombination may be used in other combinations does not obscure the fact that the (subcombination) cassette in the combination claims of Groups II and III is the same as the cassette in the Group I claims in respect of the cassette structure recited.

Additionally, the Examiner has sought to premise the restriction requirement on the fact that "the combination as claimed does not require the particulars of claims 2-16 of the combination," (page 2 of the June 12, 2002 Office Action).

This is an incorrect basis for restriction, since the Examiner is thereby declaring that the further features of dependent claims 2-16 must be present in claims 17 and 18 of Groups II and III,

respectively, in order for restriction not to be required! Claims 17 and 18 include recital of the cassette structure in the same terms as broad claim 1 of Group I. Restriction therefore is improper.

Concerning the species A, B and C identified by the Examiner, applicant hereby elects **Figure 1** in Group A, **silicone** in Group B and **molding** in Group C.

In this respect, the drawing figures identified by the Examiner in Group A, Figures 1 and 2, are interrelated, since Figure 2 is simply an exploded perspective view of the cassette unit shown in Figure 1, including retentate sheet, 102, filter sheet 104, permeate sheet 106, filter sheet 108 and retentate sheet 110.

Concerning the requirement to elect a single species and to identify all claims readable on the elected species, a listing of claims is set out below for each of the selected Group A, B and C species.


<u>Group</u>	<u>Elected Species</u>	<u>Claims Readable Thereon</u>
Group A	Figure 1	1-8 and 10-18
Group B	silicone	1-18
Group C	molding	1-13 and 16-18

CONCLUSION

It therefore is requested that the restriction requirement imposed on claims 1-18 originally filed in the application be reconsidered, and on reconsideration be withdrawn as inconsistent with the restriction requirements of 35 USC §121, so that all pending claims 1-18 are examined and prosecuted herein.

Consistent with the species elections and identification of claims readable thereon, it is requested that examination of claims 1-18 proceed, and that an action on the merits be issued in this application, in the near term.

Respectfully submitted,



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